IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.78 OF 2003
WITH
CIVIL APPLICATION ST.NO.15772 OF 2006
WITH
CIVIL APPLICATION ST.NO.14879 OF 2006
WITH
CIVIL APPLICATION ST.NO.14880 OF 2006
WITH
CIVIL APPLICATION ST.NO.14922 OF 2006

M/s.Patson Construction & Anr. ..Petitioners.

V/s.

Gagangiri Premises Co-op.Society Ltd.& Ors. ..Respondents.

Mr.P.G.Lad for contemnor No.2.
Mr.A.Z.Mukhtiar for respondent Nos. 1, 3, 4 and 5.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 20, 2006.

P.C. :

1. None appears for the petitioners. This contempt petition has been filed on the assertion that inspite of ad-interim order granted by this court on 27th September, 1996 in C.A.No.5849/1996 in Appeal From Order No.1140 of 1996, the respondent-contemnors interfered with the possession of the petitioner with regard to the suit property on February 9, 2003. That act constitutes civil contempt. The respondent-Contemnors have now appeared before this court. Counsel for the

respondent No.2 has placed on record certified copy of the order passed by the trial court in Short Cause Suit No.7430 of 1995 between the parties, which is finally decided on 19th February, 1997. In other words, the suit has been dismissed for default. With the dismissal of the suit, all interlocutory orders operating between the parties therein would obviously stand nullified. This crucial fact has not been mentioned in the present petition filed before this court. Viewed thus, there is no reason to precipitate the matter. Hence this contempt action is dropped against the respondents. Notice issued to respondents stands discharged.

2. Petition is dismissed with costs quantified at Rs.5,000/-, to be paid to the respondents and contemnors.

3. In view of this order, civil applications disposed of.